

REMARKS**Issues Under 35 U.S.C. § 102**

The Examiner has rejected claim 6 under 35 U.S.C. § 102(b) as being anticipated by Grigsby or Miller. Applicant respectfully traverses. The Examiner suggests that Grigsby shows a plurality of nonwooden boards assembled together with a cutout means 72 which accommodates the product 24. To the contrary, Grigsby calls out these boards as wooden as discussed in column 12, lines 33-37 wherein Grigsby states "the combined thickness of the wood members making up the frames 18 and 20, less the depth of the bevel-notch 72" (*emphasis added*). Similarly, Miller fails to disclose a plurality of boards as required by claim 6. Instead, what the Examiner has referred to as "nonwooded boards 24 and 22" are referred to in Miller as "a top carton 22 and a bottom carton 24" (col. 5, lines 46-47).

As neither Grigsby nor Miller show a plurality of nonwooden boards assembled to accommodate a product to be shipped, Applicant respectfully requests that the rejections under 35 U.S.C. § 102(b) be withdrawn.

35 U.S.C. § 103

Applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness. As stated above, Grigsby fails to teach or fairly suggest the use of a plurality of nonwooden boards assembled to accommodate a product to be shipped. Similarly, Miller also fails to show a plurality of nonwooden boards assembled to accommodate a product to be shipped. Therefore, Applicant respectfully requests that the alternative rejection under 35 U.S.C. § 103 be withdrawn.

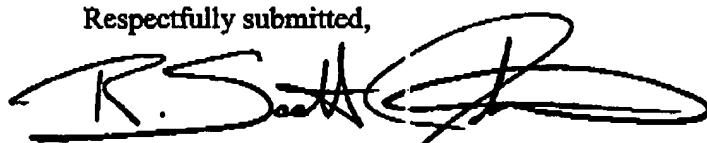
Conclusion

Applicant respectfully submits that claim 6, the only pending claim, is in allowable form.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for three months from January 28, 2005 to April 28, 2005. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$510.00 for three months to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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